

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Social Welfare – Confirmation of Scheduled Caste (Madiga) Certificate of Sri Konidala Ramaiah by the District Collector, SPS Nellore - Sri Jakka Gopal Reddy has filed an appeal petition against the Proceedings of the District Collector, SPS Nellore –Appeal rejected – Orders –Issued.

SOCIAL SELFARE (CV-I) DEPARTMENT

G.O.Ms.No. 86

Dated: 09-12-2010.

Read the following:

1. Proceedings of the District Collector, SPS Nellore vide D.Dos. (C5) 2054/2009, dated: 23-05-2010.
2. Appeal petition of Sri Jakka Gopal Reddy, S/o Kodanda Rami Reddy, SPS Nellore, dated: 04-06-2010 addressed to the Hon'ble Minister for Social Welfare, A.P., Hyderabad.
3. Govt. Memo No.4773/C.V-I/2010-1, S.W.Dept., Dated: 17-07-2010.
4. From the District Collector, SPS Nellore, vide Letter No.C5 (M) 1355/2010, Dated: 17-07-2010.
5. Govt.Letter No.4773/C.V-I/2010-2, S.W.Dept., Dt: 08-09-2010.

ORDER:

In the Proceedings 1st read above, the District Collector, Sri Potti Sriramulu Nellore has confirmed the Scheduled Caste (Madiga) Certificate obtained by Sri Konidala Ramaiah, SPS Nellore District.

2. Aggrieved by the Proceedings of the District Collector, Sri Jakka Gopal Reddy has filed an appeal petition before the Government on 04-06-2010 and submitted the following grounds in support of his claim.

- a. The impugned order is beyond the scope and ambit of the appeal.
- b. The appeal preferred impeaching the validity of the caste certificate to Konidala Ramaiah certifying him as that he belongs to Madiga Caste is highly deplorable as the same was issued arbitrarily and without any enquiry under any proceedings.
- c. As no proceedings are available in the office of the issuing authority regarding the issue of the caste certificate in question, it can not be said that the then MRO, Nellore has issued any such certificate to the 3rd respondent.
- d. The Tahsildar, Nellore in his compliance to the directions of the committee, has reported that“as the impugned caste certificate do not bear any F.Di.s number the office of the Tahsildar, Nellore can not ascertain that the said certificate was issued from his office”.
- e. The committee grossly erred in observing that the proceedings in issuing the impugned caste certificate as was not readily traceable in the office of the Tahsildar, Nellore it is presumed that the impugned certificate was validly issued by the authority.
- f. The committee went wrong in holding the alleged caste of the person in question.

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- g. The impugned certificate clinches the issue that the same was issued without any proceedings or enquiry.
 - h. The Committee erred in not holding that the impugned certificate was got up and the alleged authority has not followed the mandatory provision of enquiry before issuing the impugned caste certificate.
 - i. As no proceedings are available in the office of the Tahsildar, Nellore regarding the issue of the caste certificate in question, it can not be said that the office of the Tahsildar, Nellore had not ignored to follow the mandatory provision of enquiry.
 - j. The first respondent has totally ignored to conduct enquiry before issuing the impugned caste certificate in favor of the 3rd respondent.
 - k. The Committee failed to consider the modus operandi of the beneficiary of the impugned caste certificate in obtaining the same for the purpose of foisting a false case against the petitioner under the provisions of the SCs & STs (Prevention of Atrocity) Act 1989, purposefully to dictate terms to the appellant in the civil case preferred against by the petitioner.
 - l. As no proceedings are available in the office of the Tahsildar, Nellore regarding the issue of the caste certificate in question the committee would have observed that the said certificate was obtained by fraud and it has no legal sanctity in the eye of law.
 - m. The committee failed to consider the fact that issuance of a caste certificate certifying the beneficiary as Scheduled caste person without any legitimate entitlement to such certification constitutes a constitutional fraud, detrimental to the interests of the petitioner and as well the genuine Scheduled caste candidates.
3. The Government have admitted the appeal petition and requested the District Collector, SPS Nellore vide reference 3rd read above to furnish parawise remarks and connected records for disposal of the case.
4. The District Collector, SPS Nellore vide reference 4th read above has furnished the relevant records and the following Para wise remarks on the Appeal petition, filed by Sri Jakka Gopal Reddy.

The detailed enquiry has been conducted by the DLSC into the caste status of Sri Konidala Ramaiah, respondent No.3 herein, in accordance with the provisions of Act 16/1993 and confirmed, that the caste status of the said individual is Madiga (SC). Hence, the order confirming the caste status of the respondent No.3, issued by the District Collector, SPS Nellore is absolutely in accordance with due procedure of Law.

With regard to the genuineness of the certificate dated: 28.2.2005, issued to respondent No.3, the material papers pertaining to issue of the said certificate have not been readily traceable at the office of the Tahsildar, Nellore for want of reference No., through which the certificate was issued. The contention of the appellant that as there is no number on the certificate, it cannot be said that it was issued from the Mandal Revenue Office and hence the individual does not belong to Scheduled Caste, is not maintainable. Because, local enquiries revealed that he was a cobbler and belongs to Scheduled Caste (Madiga) and the Tahsildar has issued another Caste certificate vide F.Dis No.2839/09, dated 23.7.2009 that the individual belong to Scheduled Caste.

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The District Level Scrutiny Committee has conducted detailed enquiry in to the Scheduled Caste Madiga status of Sri K.Ramaiah. The Committee has not restricted its enquiry up to the verifying the validity of the caste certificate of the said individual dated 28.2.2005. Even though the record pertaining to issue of caste certificate dated 28.2.2005 could not be traced for want of reference No., of the above certificate; the DLSC arrived at the conclusion that the individual belongs to Scheduled caste and the same is undisputed. The statement of the appellant that the certificate issued without proper enquiry is baseless and imaginary. On proper verification by the Tahsildar, Nellore, the individual has been issued another certificate vide F.Dis No.2839/09, dated 23.7.2009 that he belongs to Scheduled Caste (Madiga) and this has got validity and thus the earlier certificate also. And no proceedings will be issued for issue of caste certificate, but certificate will be issued to the individuals, basing on the enquiries conducted by the Village Revenue Officers/Mandal Revenue Inspectors etc., which is the procedure in vogue.

The appellant has reiterated time and again, regarding the validity of certificate dated 28.2.2005 issued to the respondent No.3 but not questioning the caste status of the said individual. The said respondent was born and living in very poor and down trodden caste having profession of cobbling and his age is nearly 60 He and his family members are illiterates. The scheduled Caste status of the respondent No.3 is not depending upon the caste certificate dated 28.2.2005. Further, the contention of the appellant that the first respondent ignored to conduct enquiry, before issuing caste certificate to the 3rd respondent is meaningless as the caste certificates are issued by the Tahsildars only, but not by the District Collector. Hence, this contention is not maintainable.

The respondent No.3 and 6 other SC, BC and minorities have constructed huts in a public purpose place at Prasanthi Nagar layout, Nellore and that he (Respondent No.3) has filed a case against Sri Jakka Gopal Reddy under SC/ST Atrocities Act, in IV Town Police Station, Nellore. With an intention to escape from the clutches of the above case, the appellant made an allegation against the caste status of the respondent No.3 that he does not belong to Madiga (SC) Caste but he belongs to Mangali (Nayi Brahmin) BC Caste. The intention of the appellant is that the Respondent No.3 should not be declared as belonging to Scheduled Caste. Hence, he put forth baseless, frivolous and concocted arguments.

The DLSC has not restricted its enquiry to prove the genuineness of the caste certificate dated 28.2.2005. It has conducted detailed enquiry into the Scheduled Caste status of Sri Konidala Ramaiah. If the record is not available in the office of the Tahsildar, Nellore, he cannot be changed as Nayi Brahmin instead of Madiga (SC). The contention of the appellant is only to escape from the SC/ST Atrocities case registered against him in the IV Town Police Station, Nellore and hence trying to put forth untenable objections, pointing out defects that are not maintainable. Hence, his contention needs no consideration.

The DLSC has opined that the respondent No.3 belongs to Madiga (SC). On verification of the substantive evidences, material on record, recommendation of the Committee, the Scheduled Caste (Madiga) status of the individual has been confirmed in accordance with the provisions of Act 16/1993. No constitutional fraud is committed which is detrimental to the interests of the petitioner. In fact, a caste ryot and landlord who is nothing but appellant herein, is trying to escape from the charges of prevention of SC/ST Atrocities Act, harassing a genuine cobbler who is down trodden and genuine Scheduled Caste person.

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5. The case was taken up for personal hearing by the Government, as such the appellant was requested to attend personal hearing on 25-10-2010 before the Appellate Authority.

6. After examination of the proceedings dated: 23-05-2010 of the District Collector, SPS Nellore and material available with the Government, it is observed that, Sri Konidala Ramaiah belong to Scheduled Caste (Madiga) Community.

7. The Government, in exercise of the powers conferred u/s 7 of Act No 16 of 1993, decided that the appeal petition filed by Sri Jakka Gopal Reddy does not deserve any interference. Hence, Proceedings of the District Collector, SPS Nellore issued vide D.Dis.No.2054/C5/2009, dated: 23-05-2010 are upheld and the appeal of Sri Jakka Gopal Reddy is hereby rejected.

8. The District Collector, SPS Nellore is directed to take further necessary action in the matter accordingly.

9. The records furnished by the District Collector, SPS Nellore vide reference 4th read above (containing pp. 1-136 C.F., and pp. 1-20 n.f.,) are returned herewith and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**J.RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector,
SPS Nellore (w.e)
(With original records)

Sri Jakka Gopal Reddy, S/o Kodanda Rami Reddy,
H.No.24-I/1929, Nellore Club Layout,
Prasanthi Nagar, Podalakuru Road,
Dargamitta post, Nellore,
SPS Nellore District -524 003.

Copy to:

The P.S. to M (SW)
The P.S. to Principal Secretary (SW)
SF/SC

//Forwarded: by Order//

Section Officer